

IN RE: PETITION FOR SPECIAL EXCEPTION  
50' S Pulaski Hwy. 160' W  
Ebenezer Rd. & W. Ebenezer  
Rd. 217' S, Pulaski Highway  
(10741 Pulaski Highway)  
7th Councilmanic District  
15th Election District  
Charles J. Kubin, et ux  
Petitioners

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioners request approval of a Special Exception to use the herein described property for one (1) single and (1) double-faced illuminated 12' x 25' outdoor advertising (sign) structure, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Penn Advertising of Baltimore, Inc., appeared by their agent, Mr. Barry Friedman, and were represented by Stuart R. Berger, Esquire. The Petitioners, Mr. and Mrs. Charles J. Kubin, did not appear. George Dawson of the Maryland State Highways appeared for informational purposes, but did not testify. There were no Protestants. All of the testimony was provided by Mr. Barry Friedman who testified to the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and testified in the affirmative that all of those prerequisites would be met by the establishment of a double faced illuminated outdoor advertising structure on the subject property, as shown on Petitioner's Exhibit 1. Furthermore, Mr. Friedman also testified as to the requirements established by Section 413.3 (a thru i) have or would be complied with by this particular outdoor advertising structure and that the subject site is consistent with B.C.Z.R.

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for single and double-faced illuminated 12' x 25' advertising structure.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Penn Advertising of Baltimore, Inc. (Type or Print Name)  
Signature: *[Signature]*  
3001 Remington Avenue  
Address:  
Baltimore, Maryland 21211  
City and State

Legal Owner(s): Charles J. Kubin (Type or Print Name)  
Signature: *[Signature]*  
Anna P. Kubin (Type or Print Name)  
Signature: *[Signature]*

Attorney for Petitioner: Stuart R. Berger, Esq. (Type or Print Name)  
Signature: *[Signature]*  
36 South Charles Street  
Address:  
Baltimore, Maryland 21201  
City and State

Attorney's Telephone No.: (301) 332-8562

6305 Birchwood Avenue  
Address:  
Baltimore, Maryland 21214  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of September, 1988, at 9:30 o'clock.

Resigned To: J. Robert Haines  
Zoning Commissioner of Baltimore County.

The Petitioner testified that, based on his professional experience, it was his opinion that the business would not cause any adverse impact and would not create traffic congestion over and above what already exists. He testified that the conditions delineated in Section 502.1 (B.C.Z.R.) will be satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 6th day of December, 1988 that the Petition

for Special Exception for one (1) single and (1) double-faced illuminated 12' x 25' outdoor advertising (sign) structure, as more particularly described on Petitioners' Exhibit 1, be and the same is hereby GRANTED.

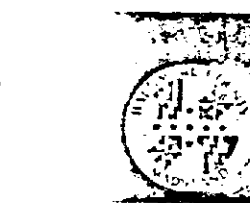
J. Robert Haines  
Zoning Commissioner  
OF BALTIMORE COUNTY

JRH:mmm  
cc: Peoples Counsel  
Mr. and Mrs. B. Allen Stephenson  
Stuart R. Berger, Esquire  
Mr. Barry Friedman

ORDER RECEIVED FOR FILING  
Date: 12/6/88  
By: *[Signature]*

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

December 5, 1988



Dennis F. Rasmussen  
County Executive

Stuart R. Berger, Esquire  
36 South Charles Street  
Baltimore, Maryland 21201

RE: Petition for Special Exception  
Case #88-78X  
Charles J. Kubin, et ux, Petitioners

Dear Mr. Berger:

Enclosed please find the decision rendered in the above captioned case. The Petition has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3331.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel  
Mr. Barry Friedman  
Mr. and Mrs. Charles J. Kubin

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception  
CASE NUMBER: 88-78-X  
50' S Pulaski Highway, 160' W Ebenezer Road and W/S Ebenezer Rd., 217' S Pulaski Highway  
(10741 Pulaski Highway)  
Petitioner(s): Charles J. Kubin, et ux  
Contract Purchaser(s): Penn Advertising of Baltimore, Inc.  
HEARING SCHEDULED: THURSDAY, OCTOBER 27, 1988 at 11:00 a.m.

Special Exceptions: Single and double-faced illuminated 12' x 25' advertising structure.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

PROPERTY DESCRIPTION 10741 PULASKI HIGHWAY

SIGN A - BEGINNING AT A POINT LOCATED ON THE SOUTH SIDE OF THE PULASKI HIGHWAY (150 FEET WIDE), 160 FEET WEST OF THE CENTERLINE OF EBENEZER ROAD (42 FEET WIDE), AND 125 FEET FROM THE CENTERLINE OF PULASKI HIGHWAY AND THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES:  
1) SOUTHWESTERLY AND PARALLEL TO PULASKI HIGHWAY A DISTANCE OF 10 FEET, THENCE 2) SOUTHEASTERLY AND AT A RIGHT ANGLE A DISTANCE OF 30 FEET TO A POINT, THENCE 3) NORTHEASTERLY AND AT A RIGHT ANGLE A DISTANCE OF 10 FEET TO A POINT, THENCE 4) NORTHWESTERLY AND AT A RIGHT ANGLE A DISTANCE OF 30 FEET TO THE BEGINNING POINT.

SIGN B - BEGINNING AT A POINT LOCATED ON THE WEST SIDE OF EBENEZER ROAD (42 FEET WIDE), 217 FEET SOUTH OF THE CENTERLINE OF PULASKI HIGHWAY (150 FEET WIDE), AND 31 FEET FROM THE CENTERLINE OF EBENEZER ROAD AND THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES:  
1) SOUTHWESTERLY AND AT A RIGHT ANGLE TO EBENEZER ROAD A DISTANCE OF 30 FEET TO A POINT, THENCE 2) NORTHWESTERLY AT A RIGHT ANGLE A DISTANCE OF 15 FEET TO A POINT, THENCE 3) NORTHEASTERLY AT A RIGHT ANGLE A DISTANCE OF 30 FEET TO A POINT, THENCE 4) SOUTHEASTERLY AT A RIGHT ANGLE A DISTANCE OF 15 FEET TO THE BEGINNING POINT.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 13, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 6, 1988.

THE JEFFERSONIAN.

S. Zeke Olson  
Publisher

NOTICE OF HEARING  
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Petitioner(s): Charles J. Kubin, et ux  
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HEARING SCHEDULED: THURSDAY, OCTOBER 27, 1988 at 11:00 a.m.  
Special Exceptions: Single and double-faced illuminated 12' x 25' advertising structure.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
494-3333

LAW OFFICES OF  
MELNICOVE, KAUFMAN, WEINER, MOUSE & GARBIS, P. A.

36 SOUTH CHARLES STREET  
SIXTH FLOOR  
BALTIMORE, MARYLAND 21201-3060

BALTIMORE (301) 332-8500  
WASHINGTON (202) 775-8088  
RAPPAHANNOCK (410) 332-8584  
TELEX 17100 234-2414

WRITERS DIRECT DIAL NO.:  
332-8562

August 8, 1988

RECEIVED  
AUG 9 1988  
ZONING OFFICE

Ms. Gwendolyn Stevens  
County Office Building  
Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Petitions for Special Exceptions  
Case Nos.: 89-77-X and 89-78-X

Dear Ms. Stevens:

Confirming our conversation today, I requested a postponement of the hearings on the above-referenced Petitions for Special Exceptions presently scheduled for September 21, 1988. As I advised you, since September 21, 1988 is a religious holiday, I will be unavailable to attend the hearings on that date. Further, no other attorney in this office is available to attend the hearings on the above-referenced date.

In light of this scheduling difficulty, we would appreciate your rescheduling the hearings for as soon after September 21, 1988 as possible. Thank you for your courtesy and cooperation with regard to this matter.

Very truly yours,  
Stuart R. Berger

SRB:hs  
cc: Mr. Barry Friedman







board as to any part of the proposed zoning map or regulations, the dissenting member or members shall be entitled to file with the county council one (1) or more minority reports stating the basis for their disagreement with the majority, which shall be included with the final report of the majority.

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Sec. 22-22. Action by county council on adoption of zoning regulations and Zoning maps.

(a) After the county council has received a final report of the planning board recommending adoption of any zoning regulations or zoning maps, the county council shall hold one or more public hearings thereon, giving at least twenty (20) days' notice thereof in at least two (2) newspapers of general circulation in the county. During such twenty (20) day period, the final report of the planning board with accompanying maps and supporting exhibits, if any, together with any minority report and maps from any dissenting members of the planning board shall be available for inspection at the office of planning and zoning, in each councilmanic district and at such other public place as the county council may designate for public inspection. After the expiration of such period of notice, and following the public hearing or hearings, the county council may by ordinance adopt such regulations or maps, subject, however, to such changes or amendments therein as the county council may deem appropriate, but subject to the provisions of Section 22-21(e).

\*\*\*

#### QUESTION PRESENTED

After the Circuit Court for Baltimore County declared, in Metromedia v. Baltimore County, Equity No. 103167, what was the effective version of Section 413.3 of the Baltimore County Zoning Regulations, may the Zoning Commissioner ignore the decision, and permit the County to republish a different version of Section 413, so that outdoor advertising signs may not be granted as a Special Exception in a B. R. zone?

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#### ARGUMENT

What Metromedia Declared.

The Metromedia decision exemplifies the "very confused and conflicting history" of Section 413 of the zoning regulations. In that context, the Metromedia case was initiated and pursued under Subtitle Four of Title 3 of the Courts Article, Md. Code. A suit for declaratory judgment seeks "to settle and afford relief from uncertainty" rights under a County ordinance. The court's declaration, moreover, "has the force and effect of a final judgment."

This Court, in Metromedia, relying upon venerable authority, determined that the version of Section 413 set out in Petitioners' Exhibit A "became effective and controlling law by publication, dissemination, ratification and long acquiescence [Emphasis supplied]." This law, the Metromedia opinion continued, "was not validly changed by either the Red or the Gold Book since the promulgation of these sets of regulations was not done after the notice and hearing required

2. S3-402, Courts Article, Md. Code; Cockran v. Zoning Comm'r, 41 Md. App. 437, 439-440 (1979); Marriott Corp. v. Village Realty & Inv., 58 Md. App. 145, 472 A.2d 510, 513 (1984). See also Restatement, Judgments, 2d (1982), p. 334 (quoted infra, p. 18-19).

3. See S3-406, Courts Article, Md. Code.

4. S3-411, Courts Article, Md. Code.

5. Pease v. Peck, 18 How. (59 U.S.) 595 (1855). See, particularly, 18 How. (59 U.S.) at 596-7.

(footnote 5 cont'd)

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by Section 22 of the County Code." Consequently, Metromedia declared that the County must apply the version of Section 413 contained in Petitioners' Exhibit A to "applications for special exception submitted by" Petitioners. Those versions include B.R. as a zone in which an outdoor advertising sign may be placed as a Special Exception.

In sum, Metromedia declared, as the applicable law, the versions of Section 413.3 which included B.R. as a zone in which, by Special Exception, an outdoor advertising sign could be erected. Further, Metromedia holds that the "applicable law" could not be amended except in accord with Section 22 of the County Code.

The Maryland cases make clear that notice and hearing on amendments to zoning regulations are mandatory. Failure to give notice required by law, for example, is fatal to the jurisdiction to conduct a hearing. See Cassidy v. County Board of Appeals of Baltimore County, 218 Md. 418, 421, 422 (1958). Indeed, even if initial notice is given, substantial change

(footnote 5 cont'd)

For similar rulings, see Town of Pacific v. Seifert, 79 Mo. 210, 213 (1883); Wade v. Woodward, 145 So. 737 (Miss. 1933); Edel v. Filer Township, Mainstem County, 211 N.W.2d 547, 549 (Mich. App. 1973); O.P. Corporation v. Village of North Palm Beach, 278 So.2d 993 (Fla. 1973); City of Creston v. Center Milk Products Co., 51 N.W.2d 463, 465 (Iowa, 1952); Taylor v. Schlemmer, 183 S.W.2d 913, 916 (Mo. 1944).

6. There is no doubt that the contract lessee is a division of Metromedia, Inc., the plaintiff in the Metromedia case.

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from what was announced is not proper. See Ransake v. Board of County Commissioners, 268 Md. 295 (1973); Von Lusch v. Board of County Commissioners, 268 Md. 445, 454 (1973). Without affording notice and hearing, there was no substantial compliance with the "applicable law," Crozier v. Co. Comm. Pr. George's Co., 202 Md. 501, 506 (1953), and the publication in the current regulations of the repudiated Gold Book version of Section 413.3 was invalid.

#### CONCLUSION

This identical issue, i.e., whether Section 413.3 includes B.R. as a zone in which, by Special Exception, an outdoor advertising sign could be erected has been litigated twice by the contract lessee. Initially, in Metromedia, Inc. v. Baltimore County, Eq. No. 103167, Judge Raine decided the answer in the affirmative. Thereafter, this identical issue came before the Honorable Joseph F. Murphy, Jr. in Circuit Court for Baltimore County Case No. 2/135/84CG435, docketed as In the Matter of the Application of Euclay Realty for a Special Exception. A copy of Judge Murphy's Order in that case is attached hereto as Exhibit B and incorporated by this reference. Judge Murphy agreed, and therefore, reversed the denial of the Petitions for Special Exception in a B.R. zone by the County Board of Appeals.

Simply stated, Metromedia and Euclay Realty decided that the early disseminated mimeographed version of §413.3 is

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the controlling law. That version, i.e. in the Black Book or the Blue Book included B.R. as a zone in which a Special Exception could be granted. The existence of Metromedia the declaration of the law means that in order for Baltimore County to amend §413.3 of the zoning law, the dictates of Section 22-21 and 22-22 of the County Code would have to be followed. They were ignored. Therefore, the version of Section 413.3 declared to the law in Metromedia was not effectively amended in the publication of the new regulations. Without adhering to Section 22-21 and 22-22 after the Court's declaration of the law, the Black and Blue Book versions of Section 413.3 which include B.R. as a zone in which an outdoor advertising structure may be located as a Special Exception must be applied.

The Petitioners implore the Zoning Commissioner to review the decisions rendered by the Circuit Court for Baltimore County, and respectfully request that the Commissioner grant the Petitions for Special Exceptions.

Respectfully submitted,

Stuart R. Berger  
Stuart R. Berger

MELNICOFF, KAUFMAN, WEINER,  
SMOUSE & GARRIS, P.A.  
600 Charles Center South  
36 South Charles Street  
Baltimore, Maryland 21201-3060  
301-332-8562

Attorneys for Petitioners

1396P

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frontage between streets, on that side of the street on which the sign is proposed to be located, is improved with a sidewalk.

1. In any B, L, M, B, R, Zones, all outdoor advertising signs on vacant land shall be located not less than 500 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. The 100 foot spacing shall govern the placement of signs on the same side of the street or highway. Two signs placed on opposite sides of the street or highway shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

2. In any M, L, M, B, R, Zones, signs shall be located not less than 100 feet from the same side of the street or highway on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

3. No outdoor advertising sign shall be located on a vacant lot or on a lot less than 100 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

4. No outdoor advertising sign shall be located on a vacant lot or on a lot less than 100 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

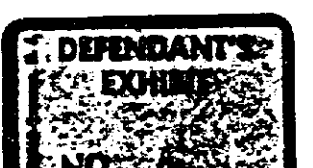
SIGNS

1. Other business signs not exceeding 100 square feet in area shall be located on a lot not less than 100 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

2. Multiple signs shall be considered as one sign for the purpose of this section.

3. The total surface area of any such sign, including the sign itself, shall not exceed 300 square feet, except that a hand-painted custom-built sign may have a total surface area of up to 500 square feet. Provision as to spacing and location of signs shall apply separately to each side of a street.

4. No sign shall be located on a vacant lot or on a lot less than 100 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.



413.3

SIGNS

1. In these regulations, except as noted in sub-paragraph h, signs shall be defined as follows:

413.3.1—In addition to signs allowed in Section 413.2 and 413.3, a sign shall be defined as any structure, device, or material, whether permanent or temporary, which is placed on, over, or under any part of a building, structure, or land, and which is visible from a public place, and which is used for the purpose of advertising, promoting, or identifying a business, product, or service.

413.3.2—All signs shall be subject to the following conditions:

a. The surface area of any sign shall be limited to the following:

1. In any B, L, M, B, R, Zones, all outdoor advertising signs on vacant land shall be located not less than 500 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. The 100 foot spacing shall govern the placement of signs on the same side of the street or highway. Two signs placed on opposite sides of the street or highway shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

2. In any M, L, M, B, R, Zones, signs shall be located not less than 100 feet from the same side of the street or highway on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

3. No outdoor advertising sign shall be located on a vacant lot or on a lot less than 100 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

4. No outdoor advertising sign shall be located on a vacant lot or on a lot less than 100 feet from the front lot line of the property on which the sign is located. Two signs shall be spaced no less than 100 feet apart. Provision as to spacing and location of signs shall apply separately to each side of a street.

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11.74 Date of Posting: 10/27/84

Posted for: Special Exception

Petitioner: Euclay Realty, Inc., 36 South Charles Street, Baltimore, MD 21201

Location of property: 2121 S. Charles St., Baltimore, MD 21201

Location of sign: 2121 S. Charles St., Baltimore, MD 21201

Remarks: 11/27/84

Posted by: M. Albert Figinski

Number of Signs: 1

IN THE MATTER OF THE APPLICATION OF EUCLAY REALTY FOR A SPECIAL EXCEPTION ETC. TO APPEAL FROM THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY File No. 84-93-X

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Case 2/135/84CG435

#### ORDER

This Appeal having come on for a hearing in open Court on November 26, 1984, after the submission of the memoranda allowed by Rule 812, and the reasons for this Court's judgment having been set forth on the record during the proceedings on November 26, 1984, it is this 29th day of November 1984, ADJUDGED, ORDERED and DECREED that the Order of the County Board of Appeals dated July 11, 1984 is reversed and the Special Exception petitioned for by Appellants be and the same is hereby granted.

Approved as to form: Joseph F. Murphy, Jr. JUDGE

Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, MD 21204

M. Albert Figinski  
Melnicoff, Kaufman, Weiner & Smouse, P.A.  
36 S. Charles Street  
Baltimore, MD 21201

11/29/84

08485/1

NOV 29 1984

11/29/84



89-78-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
22nd day of June, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner  
Petitioner's  
Attorney

Received by: *James E. Dyer*  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

June 21, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Charles J. Rubin, et ux

Location: 1 - 50' S. of Pulaski Hwy., 160' W. Ebenezer Road  
2 - W/S Ebenezer Rd., 217' S. Pulaski Hwy.  
Item No.: 439 Zoning Agenda: Meeting of 6/21/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/j1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 15, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Stuart R. Berger, Esquire  
36 South Charles Street  
Baltimore, Maryland 21201

RE: Item No. 439 - Case No. 89-78-X  
Petitioner: Charles J. Rubin, et ux  
Petition for Special Exception

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Dear Mr. Berger:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt



Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

June 24, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

RE: Baltimore County  
Charles J. Rubin property  
Zoning meeting 6/21/88  
S/S Pulaski Highway  
Maryland Route 40  
160' west Ebenezer Road  
Item #439

Dear Mr. Haines:

After reviewing the submittal for a special exception for a single and double faced illuminated 12' x 25' advertising structure, the SHA Bureau of Engineering Access Permits has the following comment.

This submittal has been forwarded to the SHA Beautification Section c/o Morris Stein (333-1642), for all comments relative to zoning.

If you have any questions, call Larry Brocato of this office (333-1350).

Very truly yours,

*Creston J. Mills Jr.*  
Creston J. Mills Jr.  
Chief Bureau of Engineering  
Access Permits

LB/es

cc: J. Ogle  
Morris Stein w/att.

RECEIVED  
JUN 28 1988  
ZONING OFFICE

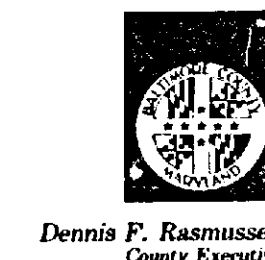
My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 365-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

July 18, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 391, 413, 438, 439, 442, 443, 444, 446, 447, 448, 450, 451, 452, 453, 454, 455, 456, and 457.

Very truly yours,

*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/cps